



Alan C. Lloyd, Ph.D.
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7000 0600 0027 1155 3021

March 30, 2006

Mr. Doug Wilson, CUPA Program Supervisor
San Joaquin County Environmental Health
304 E Weber Avenue, Third Floor
Stockton, California 95202

Dear Mr. Wilson:

The California Environmental Protection Agency (Cal/EPA) and the Office of Emergency Services conducted a program evaluation of San Joaquin County Environmental Health Certified Unified Program Agency (CUPA) on September 14 and 15, 2005. The evaluation was comprised of an in-office program review. The state evaluators completed a Certified Unified Program Agency Evaluation and a Summary of Findings with your agency's program management staff. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Summary of Findings and I find that San Joaquin County Environmental Health program performance meets or exceeds standards. Thank you for your continued commitment to the protection of public health and the environment. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures
cc: See next page

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cc: Ms. Donna Heron, Director (Sent Via Email)
San Joaquin County Environmental Health
304 E Weber Avenue, Third Floor
Stockton, CA 95202

Mr. Brian Abeel (Sent Via Email)
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Mr. Moustafa Abou-Taleb (Sent Via Email)
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STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY



Alan C. Lloyd, Ph.D.
Agency Secretary

**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS**

Arnold
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Governor

CUPA: San Joaquin County Environmental Health

Evaluation Date: September 14 & 15, 2005

EVALUATION TEAM

Cal/EPA: Tina Gonzales

OES: Brian Abeel

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Tina Gonzales at (916) 322-2155.

No deficiencies were noted in this evaluation

CUPA Representative

(Print Name)

(Signature)

Evaluation Team Leader

(Print Name)

(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA staff has attended CUPA and other Conferences and had received their certificates; however, there is no indication of what classes were attended as part of the conference.

Recommendation: Staff should list out the individual classes attended at the conference so that credit can be shown as to what types of training they went to, and the hours attended. This can help show the technical classes from the "soft skill" classes, refresher courses, etc...

2. **Observation:** The CUPA's March 2004 Hazardous Materials Area Plan (HMAP) contains all the elements as required in California Code of Regulations, Title 19, Division 2, Chapter 4, Article 3. During the review of the HMAP, the OES evaluator observed, on several occasions, that within Sections 2-7, the reader is referred to Sections within Appendix 11 that are incorrectly numbered. For example, on the bottom of page 2-7, the reader is referred as follows: "Decontamination procedures are found in Section 16. Mass Decontamination for non-responders is in Section 17." The reader is to assume that these Sections are the Sections within Appendix 11. Upon review of these Sections within Appendix 11, the OES evaluator found the "Decontamination procedures" in Section 14 and "Mass Decontamination for non-responders" in Section 15.

Recommendation: Review the HMAP and amend the document so that the reader is referred to the appropriate Sections within Appendix 11. Also, ensure the tabs for each Section within Appendix 11 are accurately labeled.

3. **Observation:** The "Inspection Forms" for the Business Plan and RMP programs do not list the Health and Safety Codes or Regulatory Sections next to the items listed under the "Inspection Results" or next to the violations listed under "Comments". The CUPA does have an additional sheet titled "Summary of Violations" that lists the Health and Safety Code Sections for all Business Plan requirements, as well as a description of what is required, which can be left in addition to the "Inspection Forms" with the facility owner or operator.

Recommendation: Ensure that the business owner or operator understands what Health and Safety Code Sections or Regulatory Sections the violation falls under by leaving the "Summary of Violations", in addition to the "Inspection Form" with them. Amend the "Summary of Violations" for the Business Plan program to include Regulatory Sections as well. Develop another list of "Summary of Violations" for the RMP program as well and leave this list with the RMP "Inspection Form" when violations are cited. Prior to the next mass production of the "Inspection Forms" for both the Business Plan and RMP programs, amend both "Inspection Forms" to include the Health and Safety Code Sections and Regulatory Sections.

Certified Unified Program Agency (CUPA)
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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has an organized system of binders/folders (training) to keep their various program materials in for quick easy reference of the programs.
2. A review of the CUPA Training document files showed the staff has current up to date training in various useful classes for the employee's job performance. There is a good mixture of CUPA Conference, UST, inspector training, hazardous materials, pollution prevention compliance, and enforcement. In Addition, all the CUPA inspectors have passed the ICC Exam recently. All training documents are kept in each individual's training file which included their certificate for Registered Environmental Health Specialist.
3. The CUPA has well documented files being kept for classes in which they have put on for the business facilities regarding Hazardous Waste Generator Compliance, and UST Training. These files contain the listing of participant's names, emails, letters, customer survey of classes, and a copy of the certificate of completion.
4. The CUPA has a good binder system separate for cases turned over to the DA's Office for enforcement. Currently there are 12 UST Cases being sought by DA David Irey. Each case listed in the binder provides a letter with the case history, names, dates, responsible party, investigating officers, alleged violations, applicable violation code sections, attachments, and a typed chronological narrative of activity leading up to the case in point. A review of files showed good tracking of communications and a paper trail to follow progress to Case Development.
5. The CUPA has a strong enforcement program in which fines/penalties collected are placed in a fund to help turn around and provide training to the businesses, and money is also provided for staff training. At least once per month, a 4-8 hour class is provided to facility businesses on the subjects of UST or Hazardous Materials Compliance.
6. The CUPA has a full staffing available with fully trained staff which accounts for the ability to inspect all businesses in their jurisdiction and provided adequate enforcement when needed. During inspections staff are able to assist local business with education on compliance issues and provide good rapport with the facilities.
7. The CUPA has good communication coordination in the office, Staff meetings are held once to twice per month with agendas and minutes kept in a binder format. Monthly meetings are held with OES (PA) after the monthly Strike Force Meetings to discuss concerns and anything new since the last meeting.
8. The CUPA's Inspection and Enforcement Plan in the Administrative Procedures Manual Binder contains a good description of examples of what signifies a Class I, Class II, and Minor violations. Each of these categories contain the mandated enforcement necessary. The Hazardous Waste Generator and UST inspection sections contain comprehensive guidelines flowcharts, and enforcement procedures to help guide inspectors to fully inspect facilities, and are very useful to new employees.

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9. The CUPA's Web Site has good information useful to businesses and the public accessible through the County's Environmental Health Department web site. Information is found for E-Waste, forms for various permits, programs, services, general information, how to register complaints by email or phone call, contact lists, UST Operator Training information, and CUPA Newsletters.
10. The CUPA uses an envision tracking system summarizing their unit services inspections performed, activity hours, and hours per service.
11. The PA has developed a website to allow business plans to be updated or initially submitted electronically, as well as manually (hardcopy). OES has received positive comments from businesses for simplifying their ability to complete required forms in a timely manner. The program the PA utilizes to receive electronic submittals is File Maker Pro. This program also enables the PA to input hardcopy information, track inspections and enforcement cases, as well as provide the business plan information 24/7 for emergency response.
12. The PA has a working rapport and meets monthly with the San Joaquin County Fire Chief's Associates. Any issues regarding the Business Plans are discussed at the meetings; changes to the Business Plan forms or requests by the Fire Chief's are also covered at these meetings.
13. The PA is member of the following:
 - San Joaquin Toxic Strike Force Committee
 - Region IV Local Emergency Planning Committee
 - Region IV Local Emergency Planning Committee, Adminstrating Agency Subcommittee.
 - Member of TOPPS
14. The CUPA summary reports are showing a very good fee collection rate, the number of inspections are being kept up, and enforcement is being accomplished with penalties collected. The Single Fee Billing system is working well between the PA and CUPA.
15. All UST facilities in the County have gone to a Tie-Down system to hold the tanks in place in case of flooding events, and in addition all tanks in the County are double-walled.
16. The CUPA attends monthly Strike Force meetings and are members of joint hazardous materials response team, and local emergency planning committees, and joint inspections are conducted with other agencies as need be, and are discussed with each other. Staff attends Central Valley Pollution Prevention Commission monthly meetings, compliance meetings monthly. Pollution Prevention is incorporated in inspections. Storm Water County inspections are conducted at UST and Hazardous Waste Sites.
17. Staff member Kasey Foley did well in reporting a 7-11 site problem with Thermoflex pipe failing in the State; she took photographs and reported to the State, and had been recognized at a National Conference held in San Francisco. Kasey had also given presentations at the CUPA Conference regarding this same issue. The State is now requiring the thermoflex piping to be looked at, an advisory has gone out from the SWRCB to CUPAs. Advisory letters will now be sent out from the

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San Joaquin CUPA very soon to all gas stations owners, and at the same time BMP's for Storm Water will be sent out with the same mailing as information to owners. The CUPA has been doing a very good job of sending out advisory letters out to facilities for various UST and Hazardous Waste issues since 1998. Any enforcement letters go out certified to both help with compliance and enforcement cases.